



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Miller and Richon CONFIRMATION NUMBER: 8627
SERIAL NUMBER: 10/600,132 EXAMINER: Yevgeny Valenrod
FILING DATE: June 19, 2003 ART UNIT: 1621
FOR: **POLYMORPHS OF SUBEROYLANILIDE HYDROXAMIC ACID**

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following:

1. Supplemental Information Disclosure Statement (2 pages), in duplicate;
2. Modified Form 1449/PTO (4 pages), in duplicate;
3. Cited References A24-A32; B14-B16; C84-C138; and
4. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (212) 935-3000.

The Commissioner is authorized to charge any fees that may be due to the undersigned's account, Deposit Account No. **50-0311** Reference No. **24852-501 CIP**. Please address all correspondence to Customer No. **35437**. A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted,

Dated: July 25, 2006

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants hereby makes of record the documents listed on the attached modified Form PTO-1449 (submitted in duplicate) in the above-identified application, copies of which are submitted herewith. In accordance with MPEP §609(III)(A)(2), copies of the cited U.S. patents and U.S. publications are not required.

This Supplemental Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-identified application. Accordingly, no fee or certification is believed required.

It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims. It is also respectfully requested that the Examiner initial, sign and date, and return a copy of the signed modified Form PTO-1449 with the next U.S. PTO communication, to evidence that the cited information has been fully considered by the U.S. Patent and Trademark Office during the examination of this application.

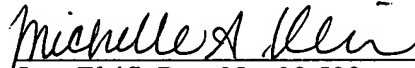
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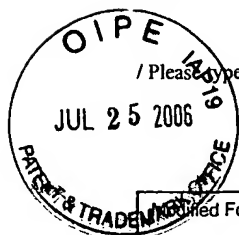
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Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. **50-0311**, Reference No. **24852-501 CIP**, Customer No. **35437**.

Respectfully submitted,

Dated: July 25, 2006


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PTO/SB (12-97)
OMB 0651-0031

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)	Application Number	10/600,132
	Filing Date	06/19/03
	First Named Inventor	Miller
	Group Art Unit / Conf. No.:	1621 / 8627
	Examiner Name	Yevgeny Valenrod
	Attorney Docket Number	24852-501 CIP

U.S. PATENT DOCUMENTS							
Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date
	A24*	4,690,918	09/01/87	Beppu, et al.			
	A25*	5,654,333	08/05/97	The United States of America as represented by the Department of Health and Human Services			
	A26*	6,239,176	05/29/01	Beacon Laboratories, Inc. et al.			
	A27*	6,262,116	07/17/01	Sloan-Kettering Institute for Cancer Research			
	A28*	6,451,334	09/17/02	Perrine			
	A29*	6,495,719	12/17/02	CircaGen Pharmaceutical			
	A30*	2003/0114525	06/19/03	Kammer, et al.			
	A31*	2004/0132643	07/08/04	Fojo, et al.			
	A32*	2004/0167184	08/26/04	Wiech, et al.			

FOREIGN PATENT DOCUMENTS							
Exam Initials	Cite No.	Foreign Patent Document Office Number		Name of Patentee(s) or Applicant(s)	Date of Publication	English Yes No	
	B14*	WO	98/39965	Beacon Laboratories, LLC	09/17/98	X	
	B15*	WO	02/15921	The Government of the United States of America	02/28/02	X	
	B16*	WO	02/055017	Wake Forest University	07/18/02	X	

NON PATENT LITERATURE DOCUMENTS		
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C84*	"Aton Pharma, Inc. Announces Initiation of Two Phase II Trials to Evaluate Efficacy of HDAC Inhibitor SAHA", October 30, 2002.
	C85*	"Aton Pharma, Inc. Announces Phase I Clinical Trial of SAHA in Advanced Leukemias", July 1, 2003.
	C86*	"Aton Pharma, Inc. Appoints Judy H. Chiao, M.D., as Vice President, Oncology Clinical Research and Development", September 20, 2002.

C87*	"Aton Pharma, Inc. Presents Phase I Trial Data of Anti-Cancer Agent SAHA in Patients with hematological Malignancy at ASCO", June 2, 2003.
C88*	"Aton Pharma, Inc. Presents Phase I Trial Data on Anti-Cancer Agent SAHA at EORTC/NCI/AACR Symposium", November 21, 2002.
C89*	"Aton Pharma, Inc. Received Orphan Drug Designation for SAHA in Multiple Myeloma and Initiates Phase I Trial", October 13, 2003.
C90*	"Aton Pharma, Inc. Reports on Phase I Trial of SAHA", August 14, 2002.
C91*	Adhikari, D et al., Proceedings of the American Association for Cancer Research Annual Meeting, (1998), Vol. 39, p 312, "Radiosensitization of Lymphoma Cell Lines by Sodium Butyrate".
C92*	Alexandrov, I et al., FEBS Letters, (1998), Vol. 434, pp 209-214, "Sodium Butyrate Suppresses Apoptosis in Human Burkitt Lymphomas and Murine Plasmacytomas Bearing c-myc Translocations".
C93*	Almenara, J et al., Leukemia (2002), Vol. 16, pp 1331-1343, "Synergistic Induction of Mitochondrial Damage and Apoptosis in Human Leukemia Cells by Flavopiridol and the Histone Deacetylase Inhibitor Suberoylanilide Hydroxamic Acid (SAHA)".
C94*	Amin HM et al., British Journal of Haematology (2001), Vol. 115, pp 287-297, "Histone Deacetylase Inhibitors Induce Caspase-Dependent Apoptosis and Downregulation of Daxx in Acute Promyelocytic Leukaemia with t(15;17)".
C95*	Aron, JL et al., Blood (2003), Vol. 102, No. 2, pp 652-658, "Depsipeptide (FR901228) Induces Histone Acetylation and Inhibition of Histone Deacetylase in Chronic Lymphocytic Leukemia Cells Concurrent With Activation of Caspase 8-mediated Apoptosis and Down-Regulation of c-FLIP Protein".
C96*	Benoit, NE et al., Immunopharmacology, (1996), Vol. 35, pp 129-139, "Increased inhibition of Proliferation of Human B Cell Lymphomas Following Litigation of CD40, and Either CD19, CD20, CD95 or Surface Immunoglobulin".
C97*	Bode, J et al., Journal of Interferon Research, (1982), Vol. 2, No. 2, pp 159-166, "Links Between Effects of Butyrate on Histone Hyperacetylation and Regulation of interferon Synthesis in Namalva and FS-4 Cell Lines".
C98*	Buckley, AR et al., Cell Growth & Differentiation (1996), Vol. 7, pp 1713-1721, "Alterations in pim-1 and c-myc Expression Associated with Sodium Butyrate-induced Growth Factor Dependency in Autonomous Rat Nb2 Lymphoma Cells".
C99*	Buckley, AR et al., Proceedings of the American Association for Cancer Research Annual Meeting, (1997), Vol. 38, p 193, "Reversal of Apoptosis Resistance by Butyrate in rat Nb2 Lymphoma Cells".
C100*	Byrd, JC et al., Blood (1999), Vol. 94, No. 4, pp 1401-1408, "Depsipeptide (FR901228): A Novel Therapeutic Agent with Selective, In Vitro Activity Against Human B-Cell Chronic Lymphocytic Leukemia Cells".
C101*	Carducci, MA et al., Clinical Cancer Research (2001), Vol. 7, No. 10, pp 3047-3055, "A Phase I Clinical and Pharmacological Evaluation of Sodium Phenylbutyrate on an 120-h Infusion Schedule".
C102*	Dear, AE et al., Biochimica et Biophysica Acta, (2000), Vol. 1492, pp 15-22, "The Novel Anti-Tumour Agent Oxamflatin Differentially Regulates Urokinase and Plasminogen Activator Inhibitor Type 2 Expression and Inhibits Urokinase-Mediated Proteolytic Activity".
C103*	Desai, D et al., Anticancer Research (2003), Vol. 23, pp 499-504, "Chemopreventive Efficacy of Suberoylanilide Hydroxamic Acid (SAHA) Against 4-(Methylnitrosamino)-1-(3-pyridyl)-1-butanone (NNK)-induced Lung Tumorigenesis in Female A/J Mice".
C104*	Dhordain, P et al., Nucleic Acids Research, (1998), Vol. 26, No. 20, pp 4645-4651, "The LAZ3(BCL-6) Oncoprotein Recruits a SMRT/mSIN3A/Histone Deacetylase Containing Complex to Mediate Transcriptional Repression".
C105*	Edelman, MJ et al., Cancer Chemotherapy and Pharmacology (2003), Vol. 51, pp 439-444, "Clinical and Pharmacologic Study of Tributyrin: An Oral Butyrate Prodrug".

Date of Deposit: July 25, 2006

C106*	Feinman, R et al., Blood (2002), Vol. 100, No. 11, pp Abstract 3195, "The Histone Deacetylase Inhibitor, Suberoylanilide Hydroxamic Acid, Induces Apoptosis of Multiple Myeloma Cells".
C107*	Fillpovich, I et al., Biochemical and Biophysical Research Communications, (1994), Vol. 198, pp 257-265, "Butyrate Induced Apoptosis in Lymphoid Cells Preceded by Transient Over-Expression of HSP70 mRNA".
C108*	Foss, FM et al., Blood, (1993), Vol. 82, No. 10, Suppl. 1, p 564A, "Biomodulatory Effects of Butyric Acid Derivatives on Leukemia and Lymphoma Cells".
C109	Gediya, et al., J. Med. Chem., (2005), Vol. 48, pp 5047-5051, "A New Simple and High-Yield Synthesis of Suberoylanilide Hydroxamic Acid and Its Inhibitory Effect Alone or in Combination with Retinoids on Proliferation of Human Prostate Cancer Cells".
C110*	Gelmetti, V et al., Molecular and Cellular Biology (1998), Vol. 18, No. 12, pp 7185-7191, "Aberrant Recruitment of the Nuclear Receptor Corepressor-Histone Deacetylase Complex by the Acute Myeloid Leukemia Fusion Partner ETO".
C111*	Gerbitz, A, Oncogene, (1999), Vol. 18, pp 1745-1753, "Deregulation of the Proto-Oncogene c-myc Through t(8;22) Translocation in Burkitt's Lymphoma".
C112*	Gilbert, J et al., Clinical Cancer Research (2001), Vol. 7, No. 8, pp 2292-2300, "A Phase I Dose Escalation and Bioavailability Study of Oral Sodium Phenylbutyrate in Patients with Refractory Solid Tumor Malignancies".
C113*	Grisolano, JL et al., Proceedings of the National Academy of Sciences (2003), Vol. 100, No. 16, pp 9506-9511, "An Activated Receptor Tyrosine Kinase, TEL/PDGFBetaR, Cooperates with AML1/ETO to Induce Acute Myeloid Leukemia in Mice".
C114*	Harris, NL et al., Blood (1994), Vol. 84, No. 5, pp 1361-1392, "A Revised European-American Classification of Lymphoid Neoplasms: A Proposal From the International Lymphoma Study Group".
C115*	Jaboin, J et al., Cancer Research (2002), Vol. 62, No. 21, pp 6108-6115, "MS-27-275, an Inhibitor of Histone Deacetylase, Has Marked in Vitro and in Vivo Antitumor Activity against Pediatric Solid Tumors".
C116*	Kurita-Ochiai, T et al., Infection and Immunity, (1998), Vol. 66, No. 6, pp 2587-2594, "Volatile Fatty Acid, Metabolic By-Product of Periodontopathic Bacteria, Induces Apoptosis in WEHI 231 and RAJI B Lymphoma Cells and Splenic B Cells".
C117*	Liu, Z et al., Journal of Cancer Research and Clinical Oncology, (1998), Vol. 124, pp 541-548, "Synergistic Effect of Epstein-Barr Virus and Tumor Promoters on Induction of Lymphoma and Carcinoma in Nude Mice".
C118*	Madisen, L et al., Molecular and Cellular Biology, (1998), Vol. 18, No. 11, pp 6281-6292, "The Immunoglobulin Heavy Chain Locus Control Region Increases Histone Acetylation along Linked c-myc Genes".
C119*	Niitsu, N et al., Molecular Pharmacology, (2000), Vol. 58, pp 27-36, "Anticancer Derivative of Butyric Acid (Pivaloyloxymethyl Butyrate) Specifically Potentiates the Cytotoxicity of Doxorubicin and Daunorubicin Through the Suppression of Microsomal Glycosidic Activity".
C120*	Orr, D et al., 2000 ASCO Annual Meeting, Abstract No. 763, "Phase I Pharmacokinetic (PK) Study of CI-994 in Combination with Gemcitabine (GEM) in Patients with Advanced Solid Tumors".
C121*	Polack, A et al., The EMBO Journal, (1993), Vol. 12, No. 10, pp 3913-3920, "Regulatory Elements in the Immunoglobulin Kappa Locus Induce c-myc Activation and the Promoter Shift in Burkitt's Lymphoma Cells".
C122*	Rezuke, WN et al., Clinical Chemistry (1997), Vol. 43, No. 10, pp 1814-1823, "Molecular Diagnosis of B- and T-cell Lymphomas: Fundamental Principles and Clinical Applications".
C123*	Rottlieb, C et al., International Journal of Cancer, (1995), Vol. 62, pp 697-702, "Among 17 Inducers of Differentiation Only Sodium Butyrate Causes a Permanent Down-Regulation of c-myc in Burkitt's Lymphoma".
C124*	Rottlieb, C et al., International Journal of Cancer, (1996), Vol. 67, pp 724-729, "Structure-Activity Relationship of 17 Structural Analogues of N-Butyric Acid Upon c-myc Expression".

C125*	Rubio, MA et al., Blood, (1995), Vol. 86, No. 10, pp 3715-3724, "Granulocyte-Macrophage Colony-Stimulating Factor, Phorbol Ester, and Sodium Butyrate Induce the CD11c Integrin Gene Promoter Activity During Myeloid Cell Differentiation".
C126*	Schrump, DS et al., Clinical Lung Cancer (2002), Vol. 4, No. 3, pp 186-192, "Phase I Study of Sequential Deoxyazacytidine/depsipeptide Infusion in Patients with Malignancies Involving Lungs or Pleura".
C127*	Vrana JA et al., Oncogene 1999, Vol. 18, pp 7016-7025, "Induction of Apoptosis in U937 Human Leukemia Cells by Suberoylanilide Hydroxamic Acid (SAHA) Proceeds Through Pathways That are Regulated by Bcl-2/Bcl-XL, c-Jun, and p21CIP1, but independent of p53".
C128*	Watanabe, M et al., Cancer Research (1990), Vol. 50, pp 3245-3248, "Effect of liposomes containing sodium butyrate conjugated with anti-CD19 monoclonal antibody on in vitro and in vivo growth of malignant lymphoma".
C129*	Yu, C et al., Cancer Research (2001), Vol. 63, pp 2118-2126, "Histone Deacetylase Inhibitors Promote STI571-Mediated Apoptosis in STI571-Sensitive and -Resistant Bcr/Abl+ Human Myeloid Leukemia Cells".
C130*	Zhang, M et al., Cell Stress & Chaperones, (1998), Vol 3, No. 1, pp 57-66, "Heat-Induced Proteolysis of HSF Causes Premature Deactivation of the Heat Shock Response in Nb2 Lymphoma Cells".
C131	Bruner, RJ et al., Blood (2002), 44th Annual Meeting of the American Society of Hematology, Vol. 100, No. 11, pp Abstract No. 1492, "Phase I trial of the histone deacetylase inhibitor depsipeptide (FR901228) in fludarabine refractory chronic lymphocytic leukemia".
C132	Guo, F et al., American Society of Hematology, (December 6-10, 2002), p 268b, Abstract 4602 "Co-treatment with the histone deacetylase inhibitor suberoylanilide hydroxamic acid (SAHA) enhances Apo-2L/TRAIL-induced death inducing signaling complex and apoptosis of human acute lymphoid leukemia cells".
C133	Heaney, M et al., 2003 ASCO Annual Meeting, Proceedings of the American Society of Clinical Oncology, (2003) Vol. 22, p 577, Abstract 2321, "Clinical experience with the histone deacetylase (HDAC) inhibitor suberoylanilide hydroxamic acid (SAHA) in heavily pre-treated patients with hematological malignancies".
C134	Marcucci, G et al., Blood, (2002), 44th Annual Meeting of the American Society of Hematology", Vol. 100, No. 11, pp Abstract No. 317, "Phase I trial of the histone deacetylase inhibitor depsipeptide (FR901228) in acute myeloid leukemia (AML)".
C135	Nimmanapalli, R et al., American Society of Hematology, (December 6-10, 2002), 14 pages, "Co-treatment with the histone deacetylase inhibitor suberoylanilide hydroxamic acid (SAHA) enhances Gleevec-induced apoptosis of Ber-Abl positive human acute leukemia cells".
C136	Nimmanapalli, R et al., Blood (2003), Vol. 101, No. 8, pp 3236-3239, "Cotreatment with the histone deacetylase inhibitor suberoylanilide hydroxamic acid (SAHA) enhances imatinib-induced apoptosis of Bcr-Abl-positive human acute leukemia cells".
C137	Tabe, Y et al., Blood (2002), 44th Annual Meeting of the American Society of Hematology, Vol. 100, No. 11, pp Abstract No. 3028, "Effects of histone deacetylase inhibitor suberoylanilide hydroxamic acid (SAHA) and DNA methylation inhibitor 5-aza-2'-deoxycytidine (DAC) on the transcriptional activation of RARbeta and p21WAF in acute promyelocytic leukemia cells".
C138	Zhang, C et al, The Journal of Investigative Dermatology (2003), Vol. 121, No. 1, pp Abstract 1189, "The histone inhibitor suberoylanilide hydroxamic acid induces apoptosis in cutaneous T cell lymphoma cells".

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. 10/650,025, filed August 26, 2003, and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.